

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN THE MATTER OF
 LARRY E. SMITH,

Plaintiff.

Case No. 3:10-cv-0219-LRH-VPC

ORDER

Plaintiff, an inmate proceeding *pro se*, has submitted a document to the Court entitled “Affidavit in Rem Complaint” (#1) attempting to initiate a civil action regarding his allegedly unlawful imprisonment. However, Plaintiff has not paid the filing fee and did not submit an application to proceed *in forma pauperis* with a signed and executed financial certificate and a copy of his inmate trust account statement as required by 28 U.S.C. §1915(a)(1) and Local Rules LSR 1-1 and 1-2. Plaintiff’s submission is not sufficient to commence a civil action. The Local Rules further require that the complaint be made on the forms provided by this court. LSR 1-4 and 2-1.

IT IS THEREFORE ORDERED that the Clerk of the Court shall send Plaintiff a blank application form for an application to proceed *in forma pauperis* for incarcerated litigants with instructions, a blank civil rights complaint form with instructions, and a blank petition for writ of habeas corpus with instructions.

IT IS FURTHER ORDERED that the action is **DISMISSED** without prejudice for Plaintiff’s commencement of a **NEW** action in which he either pays the \$350.00 filing fee in full or submits a complete application to proceed *in forma pauperis*, accompanied by a properly executed financial

1 certificate and a copy of his inmate trust account statement, and a complaint or petition on the proper
2 forms.

3 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

4 DATED this 4th day of May, 2010.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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